APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,983	09/22/2003	Shahid R. Chaudry	555255-012-577	1961

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EXAMINER
NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/667,983	CHAUDRY ET AL.
	Examiner	Art Unit	
	Tuan H. Nguyen	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>05 March 2007</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-38* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-38* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

03/05/2007 has been entered.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Mustafa

(US PUB. 2002/0087716 hereinafter, "Mustafa").

Consider claim 1, Mustafa teaches a method for use by a mobile communication

device in prioritizing voice call requests during data communication sessions for the

mobile communication device (page 5 [0068]), the method comprising: receiving

through a user interface of the mobile communication device, a voice call request for

initiating a voice call from mobile communication device while the mobile

communication device is engaged in a connected data communication service via a

wireless communication network (page 17 [0143]); in response to receiving the voice

call request: causing a traffic channel between the mobile communication device and

the wireless communication network for the connected data communication service to

be torn down (page 6 [0073] and page 18 [0145]); and causing the voice call to be

established for the mobile communication device via the wireless communication

network (page 18 [0147]).

Consider claim 15, Mustafa teaches a mobile communication device, comprising:

a user interface (page 17 [0143]); one or more processors coupled to the user interface

(page 6 [0073]); a wireless transceiver coupled to the one or more processors and

adapted to communicate via the wireless communication network (page 6 [0073] and

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mustafa in view of Ryan et al. (U.S PUB. 2004/0095903 hereinafter, "Rayan").

Consider claims 13 and 24, Mustafa teaches a method for use by a mobile

communication device in prioritizing voice call requests during data communication

sessions for the mobile communication device.

Mustafa does not explicitly show that the data communication service comprises

e-mail message communication.

In the same field of endeavor, Ryan teaches the data communication service

comprises e-mail message communication (page 3 [0023]).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to use, the data communication service comprises e-mail

message communication, as taught by Ryan, in order to improve the way in which the

voice mail systems can be accessed, as taught by Porter.

page 17 [0143]); the one or more processors being further operative to: operate the

wireless transceiver for the communication of user data associated with a connected

data communication service for the mobile communication device via the wireless

communication network (page 17 [0143]); receive through the user interface during the

connected data communication service, a voice call request for initiating a voice call

from mobile communication device via a wireless communication network (page 5

[0068] and page 17 [0143]); in response to receiving the voice call request during the

connected data communication service: cause a traffic channel between the mobile

communication device and the wireless communication network for the connected data

communication service to be torn down (page 6 [0073] and page 18 [0145]); and cause

the voice call to be established with the mobile communication device via the wireless

communication network with use of the wireless transceiver (page 18 [0147]).

Consider claim 26, Mustafa teaches a computer program product, comprising: a

computer storage medium (page 6 [0077]); computer instructions stored on the

computer storage medium (page 6 [0077]); the computer instructions being executable

on a processor of a mobile communication device for: receiving, via a user interface of

the mobile communication device, a voice call request for initiating a voice call from the

mobile communication device during a connected data communication service for the

mobile communication device via the wireless communication network (page 6 [0073]

and page 17 [0143]); in response to receiving the voice call request: causing a traffic

channel between the mobile communication device and the wireless communication

network for the connected data communication service to be torn down (page 6 [0073]

and page 18 [0145]); and causing the voice call to be established with the mobile

communication device via the wireless communication network (page 18 [0147]).

Consider claims 2 and 27, Mustafa further teaches receiving the voice call

request comprises receiving a selected telephone number via the user interface (page

18 [0147]).

Consider claim 3, Mustafa further teaches the act of causing traffic channel to be

torn down comprises the further act of causing a release order to be transmitted from

the mobile communication device, the release order having a release order qualification

code which indicates that the traffic channel is being terminated to enter into a dormant

state (page 18 [0145]).

Consider claims 4 and 28, Mustafa further teaches the act of receiving the voice

call request comprises receiving a selected telephone number via the user interface

(page 18 [0145]); and the act of causing traffic channel to be torn down comprises the

further act of causing a release order to be transmitted from the mobile communication

device and causing the connected data communication service to enter into a dormant

state; and maintaining the data communication service in the dormant state during the

voice call (page 18 [0145]).

Consider claims 5, 16 and 29, Mustafa further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the communication device (page 18 [0145]).

Consider claims 6, 17, and 30, Mustafa further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 18 [0145]).

Consider claims 7 and 18, Mustafa further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 18 [0145]); and maintaining the data communication service in the dormant state during the voice call (page 18 [0145]).

Consider claims 8, 19, and 31, Mustafa further teaches automatically resuming data communications of the connected data communication service after receiving a voice call disconnect request for completion of the voice call (page 18 [0147]).

Consider claims 9 and 20, Mustafa further teaches the data communication service involves an Internet Protocol (IP) connection (page 2 [0020]).

Consider claims 10, 21 and 32, Mustafa further teaches maintaining an Internet Protocol (IP) connection for the data communication service after causing the traffic

down without terminating the PPP session (page 6 [0073], page 16 [0136] and page 18 [0145]); and causing the voice call involving the mobile communication device to be established and maintained while the PPP session for the data communication service is maintained (page 16 [0136] and page 18 [0147]).

Consider claim 35, Mustafa further teaches the method is performed by the mobile communication device and the act of receiving the voice call request further comprises: receiving the voice call request through a user interface of the mobile communication device (page 17 [0143]).

Consider claim 36, Mustafa further teaches the method is performed in the network (page 5 [0072]).

Consider claim 37, Mustafa further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the mobile communication device, the release ordering having a release order qualification code which indicates that the traffic channel is being terminated to enter into a dormant state (page 18 [00145]).

Consider claim 38, Mustafa further teaches the method is embodied as a computer proof, ram product comprising a computer readable medium and computer instructions stored in the computer readable medium which are executable by one or more processors for performing the method (page 6 [0077]).

Conclusion

6.   Any response to this action should be mailed to:

>   Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

>   Commissioner for Patents

>   P.O. Box 1450

>   Alexandria, VA 22313-1450

>   Facsimile responses should be faxed to:

>   (571) 273-8300

>   Hand-delivered responses should be brought to:

>   Customer Service Window

>   Randolph Building

>   401 Dulany Street

>   Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618

NAY MAUNG
SUPERVISORY PATENT EXAMINER

channel to be torn down and the voice call to be established (page 14 [0129]).

Consider claims 11 and 22, Mustafa further teaches the data communication service involves a Point-to-Point Protocol (page 16 [0136]).

Consider claims 12, 23 and 33, Mustafa further teaches maintaining a Point-to-Point Protocol (PPP) connection of the data communication service after causing the traffic channel to be torn down and the voice call to be established (page 16 [0136]).

Consider claims 14 and 25, Mustafa further teaches the data communication service comprises Internet data communication (page 17 [0144]).

Consider claim 34, Mustafa teaches a method for use in prioritizing a voice call request during a data communication session involving a mobile communication device, comprising: receiving the voice call request for a voice call involving the mobile communication device while the mobile communication device is engaged in a connected data communication service via a wireless communication network, the connected data communication service utilizing a traffic channel maintained with the wireless communication network and a Point-to-Point Protocol (PPP) session for communications (page 16 [0136] and page 17 [0143]); in response to receiving the voice call request for the voice call involving the mobile communication device: causing the traffic channel for the connected data communication service to be torn